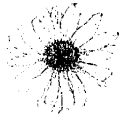


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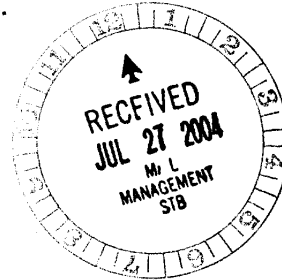
Sunflower Recreational Trails, Inc.
PO Box 44-2043
Lawrence, Kansas 66044-8935

July 22, 2004

ENTERED
Office of Proceedings

AUG 03 2004

Part of
Public Record



Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

RE: Surface Transportation Board Docket No. AB-33 (Sub-No 214X) Union Pacific Railroad Company
Abandonment Exemption in Lane, Ness and Rush Counties, Kansas) 58.5 miles from from M.P. 664.5 near Healy
to M.P. 606.0 near McCracken

Dear Mr. Williams:

Enclosed is a request from Sunflower Recreation Trail Inc. for a railbanking (request issuance of Notice of Interim
Trail Use.)

Also, there are 10 additional copies of the request and map for Board's use and distribution as well as a check
for \$150 for the filing fee.

Thank you.

Yours truly,

Ross Greathouse

Ross Greathouse
For Sunflower Recreational Trails Inc.
3901 South 27th Street, No. 29
Lincoln, NE 68502

FILE RECEIVED

AUG 03 2004

SURFACE
TRANSPORTATION BOARD

FILED

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SURFACE
TRANSPORTATION BOARD

RG:cg

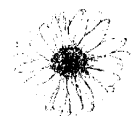
Enclosures: 21

2117/12

ENTERED
Office of Proceedings

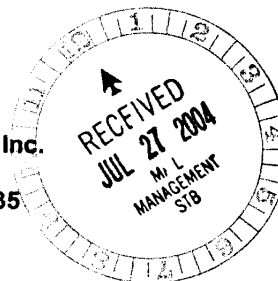
AUG 03 2004

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Public Record



Sunflower Recreational Trails, Inc.
PO Box 44-2043
Lawrence, Kansas 66044-8935

July 22, 2004



RECEIVED

Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

AUG 03 2004

SURFACE

TRANSPORTATION BOARD

RE: Surface Transportation Board Docket No. AB-33 (Sub-No 214X) Union Pacific Railroad Company Abandonment Exemption in Lane, Ness and Rush Counties, Kansas) 58.5 miles from M.P. 664.5 near Healy to M.P. 606.0 near McCracken

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment, filed on behalf of Sunflower Recreational Trails, Inc., a non-profit organization interested in promoting trail development, which is hereinafter referred to as "Commenter."

Commenter takes no position on the propriety of discontinuance of current rail service, but Commenter does request issuance of a Notice of Interim Trail Use rather than outright abandonment authorization. These comments pertain to the rail line of Union Pacific Railroad Company with respect to that portion of right-of-way in Lane, Ness and Rush Counties, Kansas, between Mile Post 664.5 near Healy, Kansas to Mile Post 606.0 near McCracken, Kansas, a distance of 58.5 miles. The right-of-way is part of a proposed abandonment in Docket No. AB-33 (Sub-No. 214X.)

A map of the right-of-way is attached

A. Public Use Condition

Commenter requests the Surface Transportation Board find that this property is suitable for other public use, specifically trail use and to place the following condition on the abandonment.

FILED

AUG 03 2004

SURFACE
TRANSPORTATION BOARD

Vernon Williams, Secretary
Surface Transportation Board
July 22, 2004
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1. Barring non-public disposition condition sought: An order prohibiting the carrier from disposing of the corridor other than the tracks, ties and signal equipment except for public use on reasonable terms.

Justification: This corridor offers an excellent addition to the recreation trails system of the State of Kansas. This trail would become a portion of the coast-to-coast American Discovery Trail. It would offer excellent wildlife habitat and viewing. Also, it would offer recreational facilities for several small towns.

The time period sought is 180 days from the effective date of the abandonment. Commenter needs this much time to coordinate efforts with local interest groups and to commence negotiations with the carrier.

2. Preserving trail-related structures

Condition sought: an order barring removal or destruction of trail-related structures such as bridges culverts, ballast and rip-rap, but not removal of tracks, ties and signal equipment.

Justification: Bridges, culverts, ballast and rip/rap have considerable value for, and would certainly facilitate, recreational trail purposes. On the other hand, such structures generally have negative salvage value for a railroad so their preservation poses no burden on interstate commerce.

The time period requested is 180 days from the effective date of the abandonment for the same reason indicated above.

B Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking, in addition to the public use conditions sought above. Commenter also requests rail-banking and interim trail use. Commenter accordingly makes the following statement:

Vernon Williams, Secretary
Surface Transportation Board
July 22, 2004
Page 3

STATEMENT OF WILLINGNESS TO ACCEPT FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under Section 8(d) of the National Trails System Act, 16 U.S.C. 1247 (d) and 49 C.F.R. 1152.29, Sunflower Recreational Trails Inc. is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the use is immune from liability, in which case it need only indemnify the railroad against any potential liability) and for payment of any and all taxes that may be levied or assessed against the right-of-way owned by the Union Pacific Railroad Company.

A map depicting right-of-way is attached.

Sunflower Recreational Trails, Inc. acknowledges that use of the right-of-way is subject to the users continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

A copy of this statement is being served on the railroad on same date it is being served on the Commission.

By my signature below, I certify service upon Mack Shumate, Jr., Senior General Attorney, 101 N. Wacker Dr. Room 1920, Chicago, IL 60606.

Respectfully submitted,

ROSS GREATHOUSE

Ross Greathouse
For Sunflower Recreational Trails, Inc.
3901 South 27th Street, No. 29
Lincoln, NE 68502

RG:cg

CC: Mack Shumate, Jr.
Senior General Attorney
101 N. Wacker Dr. Room 1920
Chicago, IL 60606

Vernon Williams, Secretary
Surface Transportation Board
July 22, 2004
Page 4

Mark Jensen
Union Pacific Railroad
1800 Farnam Street
Omaha, NE 68102

Larry Rhodes, Treas.
Sunflower Recreational Trails, Inc.
5319 SW Lancaster
Topeka, KS 66064-2309

Larry Ross, Chair
Sunflower Recreational Trails, Inc.
POB 3241
Wichita, KS 67201

Clark Coan, Sec'y
Sunflower Recreational Trails, Inc.
POB 44-2043
Lawrence, KS 66044

EXHIBIT A

